

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.766 OF 1998

The Commissioner of Income-tax,
Bombay City VI, Bombay .. Applicant.
V/s.
Petron Civil Engg. Pvt.Ltd. .. Respondent.

Mr.A.S. Rao i/b. Mr.Pankaj Kapoor for the applicant.
Ms.A. Khan for the respondent.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.

DATED : 5TH APRIL, 2005.

P.C. :

1. Heard learned counsel for the applicant. The Tribunal has referred following question for the opinion of this Court reading as under :

Whether, on the facts and in the circumstances of the case and in law, the Tribunal was right in allowing assessee's claim for investment allowance u/s.32A even though the company is engaged in the business of contract work of civil engineering construction ?

2. The above question has already been answered by the Apex Court in the case of **CIT V/s. N.C. Bhudhharaja & Co. [(1993) 204 ITR 412 (SC)]** against the assessee in favour of the revenue. In this view of the matter, question stands answered in negative for the reasons stated in the case of **N.C. Bhudhharaja & Co.** Reference, accordingly stands disposed of with no order as to costs.
